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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,236	05/29/2001	Gregory Agami	CE08885R	5927
22917	7590	06/15/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			WARE, CICELY Q	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,236

Applicant(s)

AGAMI ET AL.

Examiner

Cicely Ware

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 1/24/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 7, 8, 11, 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8 and 11 is/are rejected.
- 7) ☒ Claim(s) 4 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/24/2005 have been fully considered but they are not persuasive. Applicant recites on Pg. 5 of the **REMARKS** that Jou does not disclose using QAM. However examiner asserts that Jou discloses that "the control processor selects a modulation format that is capable of transmitting data at the selected rate", which incorporates using QAM.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 8, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Jou (US Patent 6,389,000).

(1) With regard to claim 1, Jou discloses in (Figs. 1 and 2) an apparatus for data transmission within a spread-spectrum communication system, the apparatus comprising: a long-code scrambler (Fig. 1 (8, 12), Fig. 2 (82, 62a-c)) having data symbols as an input and outputting the data symbols scrambled with a long code; and a

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modulator (Fig. 1 (20a-c), Fig. 2 (68a-c)) having the scrambled data symbols, as an input and outputting modulated scrambled data symbols (col. 1, lines 38-40, 53-56, col. 2, lines 43-48, 52-53, 59-60, col. 5, lines 34-37, col. 6, lines 66-67, col. 7, lines 1-2, col. 8, lines 66-67), wherein the step of modulating the scrambled symbols comprises the steps of mapping the symbols to a constellation (Fig. 1(16a-c), col. 2, lines 59-60, col. 7, lines 18-22, 55) and quadrature amplitude modulating the scrambled symbols (Fig. 1 (16a-c, 20a-c), col. 2, lines 59-60).

It is well known in the art that quadrature amplitude modulation is interchangeable with QPSK.

(2) With regard to claim 5, Jou further discloses in (Fig. 3) an apparatus for reception (102) of transmitted signals within a spread-spectrum communication system, the apparatus comprising: a demodulator (106a-c) having a transmitted signal as an input and outputting a demodulated signal, wherein the demodulator is a quadrature amplitude demodulator (108a-c, 110a-c) (col. 9, lines 19-38); and a long-code despreaders (108a-c) having the demodulated signal as an input and outputting despread data.

(3) With regard to claim 8, claim 8 inherits all the limitations of claim 1.

(4) With regard to claim 11, claim 11 inherits all the limitations of claim 5.

Allowable Subject Matter

4. Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 13-15 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses an apparatus for data transmission within a spread-spectrum communication system. Prior art references show similar methods but fail to teach: **“a permuter having the decimated long code as an input and outputting a plurality of permuted, decimated long codes”**, as in claim 13.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 703-305-8326. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cicely Ware

cqw
June 13, 2005

A handwritten signature in black ink, appearing to read 'Stephen Chin', with a long horizontal line extending to the right.

**STEPHEN CHIN
SUPERVISORY PATENT EXAMINEE
TECHNOLOGY CENTER 2600**